

Message Text

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C O N F I D E N T I A L SECTION 01 OF 03 MANILA 11762

E.O. 11652: SHUM, RP
TAGS: SHUM, RP
SUBJECT: MEETING WITH ENRILE ON HUMAN RIGHTS

REF: STATE 172952

1. HAD USEFUL TWO AND ONE-HALF HOUR MEETING WITH MINDEF
ENRILE JULY 11 DURING WHICH WE COVERED WIDE VARIETY OF
HUMAN RIGHTS ISSUES. HIS OBSERVATIONS ABOUT CURRENT STATE
OF US-PHILIPPINE MILITARY-TO-MILITARY TALKS BY SEPTTEL.

2. I OPENED WITH OBSERVATION THAT GOP'S MOVES TO AMNESTY
AND/OR RELEASE LARGE NUMBERS OF WHAT WE UNDERSTOOD TO BE
POLITICAL DETAINEES APPEARED TO BE POSITIVE STEPS.
NEITHER THIS EMBASSY NOR WASHINGTON, HOWEVER, HAD THE
ABILITY TO INTERPRET THE SIGNIFICANCE OF THESE MOVES JUST
ON THE BASIS OF THE EXTENSIVE NAME LISTS PUBLISHED IN THE
MANILA PRESS. WE HAVE RECOURSE TO OTHER SOURCES OF
INFORMATION AND WOULD ASK THOSE SOURCES. HOWEVER, IT
SEEMED ONLY LOGICAL THAT GOP WOULD WANT TO PROVIDE US WITH
ITS OWN ANALYSIS. ENRILE QUICKLY AGREED.

3. THEN AND AT THE END OF OUR MEETING MINISTER SAID HE
APPRECIATED THIS OPPORTUNITY FOR EXCHANGE OF VIEWS AND
CONSIDERED THE GOP HAD HURT ITSELF BY NOT PROVIDING
ADEQUATE PUBLICITY TO ITS ACTIONS ON HUMAN RIGHTS ISSUES.
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NOTED THAT ALTHOUGH HE HAD PERSONALLY NEVER SUFFERED AT
THE HANDS OF IRRESPONSIBLE JOURNALISTS, HE FELT HIS
GOVERNMENT WAS OFTEN THE TARGET OF BIASED REPORTING.
NONETHELESS, HE APPRECIATED THE NEED TO REMAIN ACCESSIBLE
TO THE PRESS AS WELL AS TO THE VARIOUS INTERNATIONAL
INVESTIGATIVE ORGANS CONCERNED WITH HUMAN RIGHTS ISSUES.
HE CONCLUDED THAT HE WANTED TO KEEP IN PERSONAL CONTACT

WITH ME ON THESE ISSUES AND WOULD BE FURNISHING WRITTEN ANSWERS TO OUR SPECIFIC QUESTIONS AS RAPIDLY AS POSSIBLE.

4. INFORMATION I REQUESTED FROM ENRILE WAS AS FOLLOWS:

- A. THE NAMES OF THE LESS THAN 300 REMAINING "HARD-CORE" DETAINEES MENTIONED BY PRESIDENT MARCOS, AND THE CHARGES AGAINST THEM.
- B. THE CHARGES AGAINST THE APPROXIMATELY 3,000 PERSONS WHO HAVE BEEN ORDERED RELEASED OR AMNESTIED SINCE APRIL 7.
- C. A LIST OF THOSE ORDERED RELEASED OR AMNESTIED WHO WERE ALREADY TEMPORARILY RELEASED FROM DETENTION. HAVE ALL THOSE ORDERED RELEASED NOW ACTUALLY BEEN RELEASED?
- D. THE CURRENT STATUS OF THE PHASE-OUT OF MILITARY TRIBUNALS AND TRANSFER OF CASES TO CIVILIAN COURTS. WHAT ARE THE TEN NEW MILITARY TRIBUNALS INTENDED TO ACCOMPLISH?
- E. A LIST OF THE CHARGES AGAINST THE 522 PRISONERS WHO RECEIVED "EXECUTIVE CLEMENCY" ON JUNE 13.
- F. THE CURRENT STATUS OF LEGAL CASES AGAINST THOSE INVOLVED IN THE PUBLICATION OF SIGNS OF THE TIMES AND CONFIDENTIAL

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THE COMMUNICATOR, WHERE CHARGES HAVE BEEN PENDING FOR WELL OVER A YEAR.

- G. ALLEGATIONS BY NON-GOVERNMENT ORGANIZATIONS OF INCREASED TORTURE IN THE MANILA AREA EARLIER THIS YEAR HAVE RECEIVED SUBSTANTIAL PUBLIC AND CONGRESSIONAL ATTENTION. HAVE INVESTIGATIONS BEEN UNDERTAKEN INTO REPEATED ALLEGATIONS OF TORTURE BY SPECIFIC MILITARY PERSONNEL IN THE REPORTS OF NON-GOVERNMENT ORGANIZATIONS? (E.G., THE TEOTIMO TANTIADO CASE.)

- H. THE RECENT ANNOUNCEMENTS OF RELEASES AND AMNESTIES HAS GENERATED A GENERALLY POSITIVE CONGRESSIONAL AND PUBLIC REACTION. HOWEVER, THERE IS SUBSTANTIAL INTEREST IN MORE INFORMATION ON THE FOLLOWING UNRESOLVED CASES:

- (1) FATHER EDICIO DE LA TORRE
- (2) PROFESSOR ROGER POSADAS
- (3) TRINIDAD HERRERA
- (4) HERMAN LAGMON
- (5) DELFIN DELICA
- (6) ANTONIO TUJAN AND ALGERICO TIZON

5. HIS PRELIMINARY COMMENTS ON CERTAIN OF ABOVE QUESTIONS MAY SUPPLEMENT INFORMATION AVAILABLE TO DEPARTMENT:

- A. THOSE WHO HAD APPLIED FOR AMNESTY THIS YEAR DID SO UNDER THE TERMS OF AN OLD PRESIDENTIAL DECREE WHICH AT ENRILE'S URGING HAS BEEN EXPANDED IN SCOPE AND EXTENDED TO APPLY THROUGH THE END OF THIS COMING SEPTEMBER. NOTED THE ORIGINAL DECREE HAD EXCLUDED FROM THE SCOPE OF AMNESTY THE LEADERS OF REBELLIONS AND THOSE INDIVIDUALS

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CONVICTED OF MAJOR CRIMES.

- B. THE THRUST OF THE GOP'S VARIOUS USES OF MILITARY AND CIVIL COURTS SINCE MARTIAL LAW HAS BEEN TO EXPEDITE JUSTICE. IT HAD NEVER BEEN THE GOVERNMENT'S INTENT OR PRACTICE TO UTILIZE MILITARY TRIBUNALS AS KANGEROO COURTS. WHEN HE BECAME SECRETARY OF DEFENSE ENRILE FOUND THE CIVIL COURTS SERIOUSLY BACKLOGGED AND WITH CUMBERSOME PROCEDURES WHICH "PROVIDED A FIELD DAY FOR THE FILIPINO WHO IS BY NATURE LITIGIOUS." WITH PASSAGE OF TIME MILITARY TRIBUNALS THEMSELVES HAD GOTTEN CLOGGED. (COMMENT: THIS DOVETAILS WITH MARCOS' EARLIER EXPLANATION TO ME AS TO WHY SO MANY CASES WERE SIMPLY BEING DISMISSED OWING TO OVERCROWDED COURT CALENDARS.)

- C. DEATH OF TEOTIMO TANTIADO. ENRILE URGED ME TO CONTACT THE PRESIDENT OF ATENEO UNIVERSITY, FATHER JOSE B. CRUZ. ENRILE DESCRIBED ATENEO PRESIDENT AS HAVING BEEN SATISFIED BY THE RIGOROUS AUTOPSY CARRIED OUT BY AN ATENEO-APPOINTED DOCTOR AND THE CONCLUSION REACHED BY THE LAWYER SELECTED BY THE UNIVERSITY TO INVESTIGATE THE CASE THAT TANTIADO HAD DIED OF ACUTE PANCREATITIS AND NOT RPT NOT AS THE RESULT OF TORTURE. ENRILE ACKNOW-

LEDGED HE STILL HAD NOT CONVINCED "MY OLD FRIEND, FATHER REUTER," ABOUT CIRCUMSTANCES OF TANTIADO'S DEATH.

6. ENRILE MADE THE FOLLOWING COMMENTS ABOUT INDIVIDUAL
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CASES LISTED STATE REFTEL:

- A. FATHER EDICIO DE LA TORRE, A SUSPECTED MEMBER OF A COMMUNIST FRONT WHO HAD INITIALLY GONE UNDERGROUND WHEN MARTIAL LAW WAS DECLARED, LATER SURFACED AND WAS CAPTURED WITH DOCUMENTS INDICATING HIS MEMBERSHIP IN THE UNITED DEMOCRATIC FRONT. HE HAD BEEN INVOLVED WITH THE 1972 SMUGGLING OF A SHIPLOAD OF ARMS IN ISABELLA PROVINCE. HIS CASE IS STILL PENDING. ENRILE WAS UNCERTAIN WHETHER DE LA TORRE WAS STILL RECOGNIZED AS A PRIEST SINCE AT ONE POINT HE HAD TAKEN A LOYALTY OATH TO THE PHILIPPINE COMMUNIST PARTY AND HAD BEEN MARRIED UNDER WHAT MINDEF CALLED "COMMUNIST PROCEDURE."

- B. PROFESSOR ROGER POSADAS IS STILL DETAINED FOR HIS ACTIVITIES IN MANUFACTURING WEAPONS AND EXPLOSIVES FOR THE COMMUNIST PARTY.

- C. TRINIDAD HERRERA. STILL IN HIDING. ENRILE WAS LESS CATEGORIC ABOUT HERRERA'S ALLEGED COMMUNIST ACTIVITIES, NOTING MERELY THAT "MILITARY INTELLIGENCE SAYS SHE IS A PARTY MEMBER. OTHER SOURCES SAY SHE WORKS FOR THE CIA." HE PROMISED FURNISH COPY OF 1977 COURT MARTIAL OF HER ALLEGED TORTURERS SO THAT WE COULD JUDGE FROM THAT DOCUMENT WHETHER OR NOT SHE WAS TELLING THE TRUTH ABOUT HER ALLEGED TORTURE. (COMMENT: ENRILE CLEARLY BELIEVES THE RECORD INDICATES SHE HAD NOT BEEN TORTURED.)

- D. HERMAN LAGMON. OFFICIALLY LISTED AS MISSING TOGETHER WITH VICTOR REYES, A FELLOW LAWYER. LAGMON IS ONE OF ABOUT SIX INDIVIDUALS WHO HAVE REPORTEDLY DISAPPEARED IN THE PHILIPPINES UNDER MARTIAL LAW. HE HAD BEEN ACTIVE IN THE LABOR MOVEMENT. RELEASED AFTER HIS INITIAL ARREST, HE WAS REQUIRED TO CHECK IN PERIODICALLY
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WITH MILITARY AUTHORITIES. ONE DAY INQUIRY WAS RECEIVED AT MINDEF ABOUT HIS WHEREABOUTS AFTER LAGMON'S MOTHER HAD RECEIVED TELEPHONE CALL SAYING HER SON HAD BEEN ARRESTED BY PHILIPPINE MILITARY. ENRILE FOUND IT ILLOGICAL THAT THE MILITARY SHOULD BE ACCUSED OF CAUSING LAGMON'S DISAPPEARANCE. THERE WAS NO CAUSE. NOTED THAT

HERMAN'S BROTHER, PHILEMON, HAD ALWAYS BEEN MORE ACTIVE IN THE LABOR MOVEMENT THAN HERMAN, AND PHILEMON WAS AT LIBERTY. FURTHERMORE, IF MILITARY HAD WANTED TO DO HERMAN IN, WHY HAD THEY NOT MOVED AGAINST HIM AT THE TIME OF HIS ORIGINAL ARREST?

- E. ENRILE SAID HE HAD NO RECENT INFORMATION ON THE CASES OF DELFIN DELICA, ANTONIO TUJAN AND ALGERICO TIZON BUT PROMISED MAKE INQUIRIES AND ADVISE.

7. AMNESTY INTERNATIONAL (AI). IN DISCUSSING VARIOUS ACCUSATIONS OF GOP ABUSES OF HUMAN RIGHTS, ENRILE RECALLED THAT HE HAD INITIALLY OPPOSED THE VISIT BY AI REPRESENTATIVES TO MANILA BUT HAD BEEN OVERRULED. WHEN AI REPRESENTATIVES TABLED THEIR LIST OF CASES WITH GOP "THEY TURNED OUT TO BE ALMOST ALL HARD CORE COMMUNISTS." AI HAD TALKED GREAT DEAL ABOUT PREVALENCE OF TORTURE IN THE PHILIPPINES, BUT THIS HAD NOT BEEN SUBSTANTIATED BY SUBSEQUENT INQUIRIES BY EITHER THE ICRC OR THE INTERNATIONAL COMMISSION OF JURISTS (ICJ). ENRILE CONSIDERS THAT AI HAD BEEN MANIPULATED BY COMMUNIST INFORMANTS.

8. ENRILE ALSO COMMENTED ON THE ISSUE OF MY CONTACTS WITH OPPOSITION ELEMENTS HERE. HE SUGGESTED THAT, SINCE THE

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GOP WOULD INEVITABLY HEAR OF THESE, MY MENTIONING I HAD HAD THESE CONTACTS TO THE PRESIDENT FROM TIME TO TIME WOULD BE APPRECIATED BY MARCOS AS A GESTURE OF GOODWILL ON MY PART. (COMMENT: ENRILE'S SUGGESTION CAME IN CONTEXT OF DISCUSSION, INITIATED BY HIM, OF SUSPICION IN "CERTAIN CIRCLES OF THIS GOVERNMENT" ABOUT EMBASSY'S ACTIVITIES AND HOSTILE ATTITUDE TOWARDS REGIME. I OBSERVED THAT I

CONSIDERED SUCH SUSPICION PROBABLY UNAVOIDABLE. NOTED WE WOULD CONTINUE HAVE CONTACT WITH WIDEST POSSIBLE SPECTRUM OF OPINION HERE; OTHERWISE WE WOULD RISK GAINING REPUTATIO OF BEING AN APOLQGIST FOR THE REGIME. POINTED OUT EFFECT, INTER ALIA, THIS WOULD HAVE ON OUR CREDIBILITY WITH WASHINGTON. ENRILE ACCEPTED THIS POINT WITHOUT ARGUMENT.)

9. COMMENT: WHILE ENRILE DID NOT ADD SIGNIFICANTLY NEW INFORMATION IN THE HUMAN RIGHTS AREA, WE WILL AWAIT THE ANSWERS TO OUR WRITTEN QUESTIONS BEFORE MAKING ANY JUDGMEN OF HOW FORTHCOMING HE IS IN FACT LIKELY TO BE. HIS COMMEN ON ICJ FINDINGS APPEARS A MISSTATEMENT SINCE THAT REPORT DOES CRITICIZE THE GOP FOR FAILING TO TAKE EFFECTIVE STEPS TO PREVENT THE USE OF TORTURE BY PHILIPPINE SECURITY UNITS WE HAVE NOT HAD ACCESS TO ICRC REPORTS.

10. AT SEVERAL POINTS IN THE CONVERSATION I EXPRESSED MY VIEW THAT THE GOP HAD MADE POOR IMPRESSION IN THE U.S. IN RECENT YEARS. CITED POPULAR AND CONGRESSIONAL SUSPICION
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CONCERNING THE GOP'S HUMAN RIGHTS PRACTICES. ALSO NOTED CONGRESSIONAL DOUBTS EXPRESSED TO ME WHETHER THE GOP WAS SERIOUS ABOUT REACHING NEW AGREEMENT ON THE MILITARY BASES NOTED THAT FOR THE PAST SEVERAL YEARS THE CONGRESS HAD NOT AUTHORIZED FUNDS FOR MILITARY CONSTRUCTION. MURPHY

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